

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
972 IRREVOCABLE TRUST and
INTERMED GAS PRODUCTS, LLC,

Plaintiffs,

08 Civ. 4907 (RPP)

- against -

OPINION & ORDER

MICHAEL LAING, ROBERTA PUGLIESE,
LAING HOLDINGS CORPORATION and
INTERACTIVE MEDICAL TECHNOLOGIES, CORP.,

Defendants.

-----X
ROBERT P. PATTERSON, JR., U.S.D.J.

Defendants' motion to disqualify Robert L. Rimberg, Esq., and Goldberg & Rimberg, PLLC, as counsel for Plaintiffs 972 Irrevocable Trust and Intermed Gas Products LLC (Doc. No. 19) is denied.


Defendants have not presented sufficient evidence that Robert L. Rimberg will be a necessary witness in this action seeking to recover funds allegedly misapplied by Defendants. Accordingly, disqualification under DR 5-102(A) and DR 5-102(B) of the New York State Code of Professional Responsibility has not been adequately shown.

Similarly, Defendants have failed to state facts sufficient to show that a disinterested lawyer would believe that Robert L. Rimberg's professional judgment reasonably would be affected by any financial interest he may have in either Plaintiff, under the standard in DR-501.

Defendants' motion (Doc. No. 19) is denied without prejudice to renewal after discovery has been completed.

IT IS SO ORDERED.

Dated: New York, New York
July 9, 2008


Robert P. Patterson, Jr.
U.S.D.J.

Copies of this Order sent to:

Attorneys for Plaintiffs
Goldberg & Rimberg, PLLC
Attn: Joel Steven Schneck
115 Broadway, Suite 302
New York, NY 10006
(212)-697-3250
Fax: (212)-812-0696

Attorneys for Defendants
Jeffrey M. Glotzer, P.A.
6111 Broken Sound Parkway, Nw Suite 330
Boca Raton, FL 33487
(561)-443-1994
Fax: (561)-431-3104